

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

*
LAURIE DeNEUI and TERRY DeNEUI, * CIV. 07-4172
*
Plaintiffs, *
*
vs. * **JOINT ANSWER OF DEFENDANTS**
* **DR. BRYAN WELLMAN, SIOUX**
* **FALLS NEUROSURGICAL**
DR. BRYAN WELLMAN, SIOUX FALLS * **ASSOCIATES, P.C. AND SANFORD**
NEUROSURGICAL ASSOCIATES, P.C., * **CLINIC NEUROSURGERY & SPINE**
and SANFORD CLINIC *
NEUROSURGERY & SPINE, *
*
Defendants. *

Come now the above-named Defendants and for their Answer to Plaintiffs' Complaint, state and allege as follows:

1. These Defendants deny each and every matter, allegation, and thing in Plaintiffs' Complaint, except as admitted below.
2. These Defendants admit Paragraphs 3, 4, 8, 10, 11, 12, 17, 22, and 27 in Plaintiffs' Complaint; admit that portion of Paragraph 29 in Plaintiffs' Complaint that alleges Sioux Falls Neurosurgical Associates is responsible for the acts and omissions of Dr. Wellman pursuant to the doctrine of respondeat superior, but denies that Sanford Clinic and Neurosurgery & Spine is responsible for such acts and omissions; and admit, upon information and belief, Paragraphs 1 and 2 of Plaintiffs' Complaint.
3. These Defendants, further answering, deny Paragraphs 5, 9, 13, 14, 18, 19, 20, 23, 24, 25, 28, 31, and 33 of Plaintiffs' Complaint.

4. These Defendants, further answering, are without information sufficient to form a belief as to the truth of the veracity of the allegations in Paragraph 15 of Plaintiffs' Complaint and, therefore, remit Plaintiffs to their strict burden of proof thereof.

5. These Defendants, further answering, deny that Defendant Dr. Bryan Wellman's acts or omissions proximately caused any loss, injury or damage to Plaintiffs.

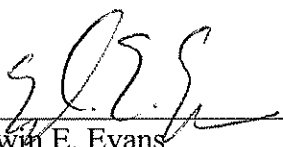
6. These Defendants, further answering, deny the nature and extent of Plaintiffs' alleged injuries, losses, and damages.

7. These Defendants move to dismiss Count VI [sic] of Plaintiffs' Complaint for failure to state a claim upon which relief can be granted and for being violative of the United States Constitution and the State of South Dakota Constitution.

WHEREFORE, these Defendants pray that Plaintiffs' Complaint be dismissed on the merits and that they recover their costs and disbursements herein together with such other and further relief as the Court deems just and proper in the premises.

Dated at Sioux Falls, South Dakota, this 5th day of December, 2007.

DAVENPORT, EVANS, HURWITZ &
SMITH, L.L.P.



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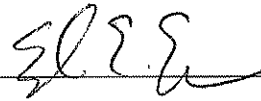
CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Defendants, hereby certifies that on the 5th day of December, 2007, I caused the "Joint Answer of Defendants Dr. Bryan Wellman, Sioux Falls Neurosurgical Associates, P.C. and Sanford Clinic Neurosurgery & Spine" to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-mail notice of the electronic filing to the following:

Steven M. Johnson
A. Russell Janklow
Shannon R. Falon
Johnson, Heidepriem, Janklow, Abdallah & Johnson, LLP
P.O. Box 1107
Sioux Falls, SD 57101-1107

Attorneys for Plaintiffs

on this 5th day of December, 2007.

A handwritten signature in black ink, appearing to read "S.M. Johnson", is written over a horizontal line.